

SENATE BILL 4042
By Bryson

AN ACT to amend Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, as amended by Chapter 303 of the Private Acts of 1980, Chapter 45 of the Private Acts of 1987, Chapter 54 of the Private Acts of 1987, Chapter 216 of the Private Acts of 1988, Chapter 81 of the Private Acts of 1989, Chapter 152 of the Private Acts of 1990, Chapter 5 of the Private Acts of 1999, and any other acts amendatory thereto, relative to the charter of the City of Franklin.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, Chapter 54 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article II, Section 1 by deleting sub-section (38) in its entirety and substituting instead the following:

(38) Impose such fees on persons or entities developing land within the corporate limits as the city deems appropriate to pay the cost of capital improvements and other expenses related to such developments including, but not limited to, improvements and expenses for street repair and construction, water services and/or facilities, wastewater and reclaimed water services and/or facilities, stormwater and drainage services and/or facilities, educational services and/or facilities, parks and recreational facilities, police protection, fire protection, garbage collection and/or disposal, and the providing of administrative services.

SECTION 2. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, Chapter 54 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article II, Section 1 by deleting sub-section (9) in its entirety and substituting instead the following:

(9) Grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished to the city and those therein. Such power to grant franchises shall embrace the power hereby exclusively conferred, to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of thirty (30) years or less, but not longer. The Council may prescribe in each grant of franchise, the rate, fares, charges, and regulations that may be made by the grantee of the franchise. The Council may also impose upon the grantee of any franchise a reasonable franchise fee for the use of the city's rights-of-way and the franchisee is authorized to pass the costs of such fee on to its customers. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchise, and as the corporate limits thereafter may be enlarged; and the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

SECTION 3. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, Chapter 5 of the Private Acts of 1999, and any other acts amendatory thereto, is amended in Article III by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Regular Elections. A regular city election will be held every two (2) years on the fourth Tuesday in October.

SECTION 4. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, Chapter 216 of the Private Acts of 1988, Chapter 152 of the Private Acts of 1990, and any other acts amendatory thereto, is amended in Article III, Section 7 by deleting from the fourth sentence the language "an affirmative vote of a majority of the mayor and/or aldermen whose terms are not expiring and the mayor and/or aldermen elect" and by substituting instead the language "any electoral method provided under state law; however, when there is such a tie in a race for a ward alderman position, preference shall be given to a run-off election by qualified voters in that ward".

SECTION 5. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, Chapter 152 of the Private Acts of 1990, and any other acts amendatory thereto, is amended in Article IV by deleting Section 3 in its entirety and substituting instead the following:

Section 3. Term of Office. The mayor and aldermen shall serve staggered four (4) year terms, with elections to be held every two (2) years. They shall serve during their terms of office or until their successors are elected and qualified.

SECTION 6. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, and any other acts amendatory thereto, is amended in Article VI, Section 2(c) by inserting the language "or she" after the language "he" in the second sentence, and deleting the language "male" from the second sentence.

SECTION 7. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, Chapter 45 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article VII, Section 4 by adding the following new language at the end of the section:

The City Administrator or City Recorder may perform the duties of the Treasurer.

SECTION 8. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, Chapter 303 of the Private Acts of 1980, and any other acts amendatory thereto, is amended in Article X, Section 4 by deleting the second and third paragraphs in their entirety.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Franklin. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Franklin and certified to the secretary of state.

SECTION 10. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 9.